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EXAMINER
ANWARI, MACEEH

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/736,075	HAYES ET AL.
	Examiner	**Art Unit**	
	Maceeh Anwari	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 December 2003*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-48* is/are rejected.

7) ☒ Claim(s) *48, 8,16,24,31,39,46,&37* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This is the initial Office action based on the 10/736075 application filed

December 16, 2003. Claims 1-48, as originally filed, are currently pending and

have been considered below.

Specification

1.   The use of the trademark "Bluetooth" has been noted in this application. It

should be capitalized wherever it appears and be accompanied by the generic

terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to

prevent their use in any manner which might adversely affect their validity as

trademarks.

Claim Objections

1.   Claim 48 is objected to because of the following informalities: 'An' is used

to establish a system, where it is should to be 'A' in order to properly agree with

system. Appropriate correction is required.

2.   Claims 8, 16, 24, 31, 39 and 46 are objected to because of the following

informalities: applicant has stated, "shade", it should be "shades" to properly

agree with disclosure. Appropriate correction is required.

3.   Claim 37 is objected to because of the following informalities: it is

referencing "claim 33" and not "claim 333" Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   Claims 1, 4, 9, 12, 17, 20, & 32 are vague and indefinite because the limitations "select" and/or "selecting" are unclear. One would not know what differentiates a route to be selected from the routes not selected.

7.   Claims 25, 32 and 40, are vague and indefinite because the limitation "determining" is unclear. One would not know what differentiates a command that should be directly utilized from a command that should not be directly utilized.

8.   Claims 47 and 48 are vague and indefinite because the proximity encompassed by "predetermined proximity" is unclear and one would not know the desired proximity range.

9.   Claims 5, 13, 21, 28, 36, & 43 contain the trademark/trade name Bluetooth. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular

material or product. A trademark or trade name is used to identify a source of

goods, and not the goods themselves. Thus, a trademark or trade name does

not identify or describe the goods associated with the trademark or trade name.

In the present case, the trademark/trade name is used to identify/describe a

mode of receiving or transmitting what is essentially data and, accordingly, the

identification/description is indefinite.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by

Wang et al (hereinafter Wang), U.S. Patent No.: 6,961,763.

Wang teaches:

Claim 1:

A method of routing command data through a system including a

plurality of smart devices and at least one controlled device, the method

including (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of

routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device): generating a command to remotely control a controlled device; determining possible routes for transmitting the command by considering the communication capabilities of all devices in the system; selecting a route based upon the determined possible routes; and transmitting the command based upon the selected route (Figure 11 & Col. 11 &12, lines 60-67 &1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 2:

The method of claim 1, wherein the command is transmitted using a plurality of protocols (Figures 1-3; show that the invention as disclosed can be accessed and utilized through a plurality of protocols, namely internet, power line and phone lines).

Claim 3:

The method of claim 2, wherein the protocols are not interdependent (Figures 1-3; depict these protocols as being not interdependent).

Claim 4:

The method of claim 1, wherein transmitting the command includes transmitting the command to a smart device; re-determining possible routes for transmitting the command by considering the communication capabilities of all devices in the system; selecting a route based upon the determined possible routes; and transmitting the command from the smart device based upon the selected route (Figure 11 & Col. 11 &12, lines 60-67 &1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 5:

The method of claim 1 wherein the command is received or transmitted using at least one of wired IP, wireless IP, Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines 50-51; show that the invention as disclosed can send and receive through internet connection, power line and phone line connections).

Claim 6:

The method of claim 1, wherein the command data includes at least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 7:

The method of claim 1, wherein one of the plurality of smart devices is a computing device running a CE operating system, a computing device running a Pocket PC operating system, a computing device running a Palm operating system, a computing device running a

Windows operating system, or a computing device running embedded

programming systems and capable of communicating using standard

protocols (Figure10-11 &14, Col. 11-12, lines 60-67 &1-4 respectively;

reads off the limitation that there is a computing device and that it is

running off of an embedded programming system and is capable f

communicating using standard protocols. Inherently since it is capable of

receiving and sending information through the internet it would have to

compatible with, if not already, a windows operating system).

Claim 8:

The method of claim 1, wherein the at least one controlled device is

a lighting fixture, home appliance, fan, shade, garage door opener,

controller for a heating system, controller for a cooling system, television,

digital video disk player, compact disk player, stereo receiver, alarm

system, security system, lock system, or sprinkler system (Figures 1-2 &

Col. 2, lines 5-8).

Claim 9:

A system for routing command data through a system including a

plurality of smart devices and at least one controlled device, the system

including (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of

routing, and the plurality of devices—whether smart or controlled--, the

data by stating that the invention provides an architecture for controlling

and monitoring the devices and sensors in an intelligent, reliable and

robust manner and gives a specific example of a lamp being a controlled

device): a memory for storing a program (Col. 2, lines 28-33; reads off the

limitation of a storing/memory device); and a processor responsive to the

program to generate a command to remotely control a controlled device;

determine possible routes for transmitting the command by considering

the communication capabilities of all devices in the system; select a route

based upon the determined possible routes; and transmit the command

based upon the selected route (Figure 11 & Col. 11 &12, lines 60-67 &1-4

respectively; reads on the limitation of command generation and the

transmission thereof by relaying the command to the appropriate

application of the automation applications).

Claim 10:

The system of claim 9, wherein the command is transmitted using a

plurality of protocols (Figures 1-3; show that the invention as disclosed

can be accessed and utilized through a plurality of protocols, namely

internet, power line and phone lines).

Claim 11:

The system of claim 10, wherein the protocols are not

interdependent (Figures 1-3; depict these protocols as being not

interdependent).

Claim 12:

The system of claim 9, wherein the processor is further responsive

to the program to transmit the command to a smart device; re-determine

possible routes for transmitting the command by considering the

communication capabilities of all devices in the system; select a route

based upon the determined possible routes; and transmit the command

from the smart device based upon the selected route (Figure 11 & Col. 11

&12, lines 60-67 &1-4 respectively; reads on the limitation of command

generation and the transmission thereof by relaying the command to the

appropriate application of the automation applications).

Claim 13:

The system of claim 9, wherein the command is received or

transmitted using at least one of wired IP, wireless IP, Bluetooth, serial

communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines

50-51; show that the invention as disclosed can send and receive through

internet connection, power line and phone line connections).

Claim 14:

The system of claim 9, wherein the command data includes at least

one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 15:

The system of claim 9, wherein one of the plurality of smart devices

is a computing device running a CE operating system, a computing device

running a Pocket PC operating system, a computing device running a

Palm operating system, a computing device running a Windows operating

system, or a computing device running embedded programming systems

and capable of communicating using standard protocols (Figure10-11

&14, Col. 11-12, lines 60-67 &1-4 respectively; reads off the limitation that

there is a computing device and that it is running off of an embedded

programming system and is capable f communicating using standard

protocols. Inherently since it is capable of receiving and sending

information through the internet it would have to compatible with, if not

already, a windows operating system).

Claim 16:

The system of claim 9, wherein the at least one controlled device is

a lighting fixture, home appliance, fan, shade, garage door opener,

controller for a heating system, controller for a cooling system, television,

digital video disk player, compact disk player, stereo receiver, alarm

system, security system, lock system, or sprinkler system (Figures 1-2 &

Col. 2, lines 5-8).

Claim 17:

A computer-readable medium containing instructions, executed by

a processor for performing the method of routing command data through a

system including a plurality of smart devices and at least one controlled

device (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of

routing, and the plurality of devices—whether smart or controlled--, the

data by stating that the invention provides an architecture for controlling

and monitoring the devices and sensors in an intelligent, reliable and

robust manner and gives a specific example of a lamp being a controlled

device), the method including: generating a command to remotely control

a controlled device (Col. 1, lines 50-54; reads on the limitation of remote

controlling a controlled device); determining possible routes for

transmitting the command by considering the communication capabilities

of all devices in the system; selecting a route based upon the determined

possible routes; and transmitting the command based upon the selected

route (Figure 11 & Col. 11 &12, lines 60-67 &1-4 respectively; reads on

the limitation of command generation and the transmission thereof by

relaying the command to the appropriate application of the automation

applications).

Claim 18:

The computer-readable medium of claim 17, wherein the command

is transmitted using a plurality of protocols (Figures 1-3; show that the

invention as disclosed can be accessed and utilized through a plurality of

protocols, namely internet, power line and phone lines).

Claim 19:

The computer-readable medium of claim 18, wherein the protocols

are not interdependent (Figures 1-3; depict these protocols as being not

interdependent).

Claim 20:

The computer-readable medium of claim 17, wherein transmitting

the command includes transmitting the command to a smart device; re-

determining possible routes for transmitting the command by considering

the communication capabilities of all devices in the system; selecting a

route based upon the determined possible routes; and transmitting the

command from the smart device based upon the selected route (Figure 11

& Col. 11 &12, lines 60-67 &1-4 respectively; reads on the limitation of

command generation and the transmission thereof by relaying the

command to the appropriate application of the automation applications)..

Claim 21:

The computer-readable medium of claim 17, wherein the command

is received or transmitted using at least one of wired IP, wireless IP,

Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3

& Col. 1, lines 50-51; show that the invention as disclosed can send and

receive through internet connection, power line and phone line

connections).

Claim 22:

The computer-readable medium of claim 17, wherein the command

data includes at least one of Consumer IR, X10, HTTP, and S-Link data

(Col. 1, lines 50-54).

Claim 23:

The computer-readable medium of claim 17, wherein one of the

plurality of smart devices is a computing device running a CE operating

system, a computing device running a Pocket PC operating system, a

computing device running a Palm operating system, a computing device

running a Windows operating system, or a computing device running

embedded programming systems and capable of communicating using

standard protocols (Figure10-11 &14, Col. 11-12, lines 60-67 &1-4

respectively; reads off the limitation that there is a computing device and that it is running off of an embedded programming system and is capable f communicating using standard protocols. Inherently since it is capable of receiving and sending information through the internet it would have to compatible with, if not already, a windows operating system).

Claim 24:

The computer-readable medium of claim 17, wherein the at least one controlled device is a lighting fixture, home appliance, fan, shade, garage door opener, controller for a heating system, controller for a cooling system, television, digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 25:

A method for routing command data through a system including a plurality of smart devices and at least one controlled device (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device), the method including: receiving a command to remotely control a controlled device (Col. 1, lines 50-54; reads on the limitation of remote controlling a controlled device); determining whether the command should be directly

utilized by the controlled device; controlling the controlled device when it is

determined the command should be directly utilized by the controlled

device; and transmitting the command when it is determined the command

should not be directly utilized (Figure 11 & Col. 11 &12, lines 60-67 &1-4

respectively; reads on the limitation of command generation and the

transmission thereof by relaying the command to the appropriate

application of the automation applications).

Claim 26:

The method of claim 25, wherein the method further includes:

receiving the command using a first protocol; and transmitting the

command using a second protocol where the second protocol is different

from the first (Figures 1-3 & Col. 2, lines 44-53; show that the invention as

disclosed can be accessed and utilized through a plurality of protocols,

namely internet, power line and phone lines; it also enumerates the

potential for the possibilities of multi-path reception and transmission).

Claim 27:

The method of claim 26, wherein the protocols are not

interdependent (Figures 1-3; depict these protocols as being not

interdependent).

Claim 28:

The method of claim 25, wherein the command is received or

transmitted using at least one of wired IP, wireless IP, Bluetooth, serial

communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines

50-51; show that the invention as disclosed can send and receive through

internet connection, power line and phone line connections).

Claim 29:

The method of claim 25, wherein the command data includes at

least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-

54).

Claim 30:

The method of claim 25, wherein one of the plurality of smart

devices is a computing device running a CE operating system, a

computing device running a Pocket PC operating system, a computing

device running a Palm operating system, a computing device running a

Windows operating system, or a computing device running embedded

programming systems and capable of communicating using standard

protocols (Figure10-11 &14, Col. 11-12, lines 60-67 &1-4 respectively;

reads off the limitation that there is a computing device and that it is

running off of an embedded programming system and is capable f

communicating using standard protocols. Inherently since it is capable of

receiving and sending information through the internet it would have to

compatible with, if not already, a windows operating system).

Claim 31:

The method of claim 25, wherein the at least one controlled device

is a lighting fixture, home appliance, fan, shade, garage door opener,

controller for a heating system, controller for a cooling system, television,

digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 32:

The method of claim 26, wherein transmitting the command includes transmitting the command to a smart device; re-determining possible routes for transmitting the command by considering the communication capabilities of all devices in the system; selecting a route based upon the determined possible routes; and transmitting the command from the smart device based upon the selected route (Figure 11 & Col. 11 &12, lines 60-67 &1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 33:

An apparatus for routing command data through a system including a plurality of smart devices and at least one controlled device (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device), the apparatus comprising: a receiver for receiving a command to remotely control a controlled device; a first controller for determining whether the

command should be directly utilized by the controlled device (Col. 1, lines
50-54; reads on the limitation of remote controlling a controlled device); a
second controller for controlling the controlled device when it is
determined the command should be directly utilized by the controlled
device (Figures 1-6 & Col. 2, lines 44-53; show a multiple number of
controller devices); and a transmitter for transmitting the command when it
is determined the command should not be directly utilized (Figure 11 &
Col. 11 &12, lines 60-67 &1-4 respectively; reads on the limitation of
command generation and the transmission thereof by relaying the
command to the appropriate application of the automation applications).

Claim 34:

The apparatus of claim 33, wherein the receiver receives the
command using a first protocol and the transmitter transmits the command
using a second protocol where the second protocol is different from the
first (Figures 1-3 & Col. 2, lines 44-53; show that the invention as
disclosed can be accessed and utilized through a plurality of protocols,
namely internet, power line and phone lines; it also enumerates the
potential for the possibilities of multi-path reception and transmission).

Claim 35:

The apparatus of 33, wherein the protocols are not interdependent
(Figures 1-3; depict these protocols as being not interdependent).

Claim 36:

The apparatus of claim 33, wherein the command is received or transmitted using at least one of wired IP, wireless IP, Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines 50-51; show that the invention as disclosed can send and receive through internet connection, power line and phone line connections).

Claim 37:

The apparatus of claim 333, wherein the command data includes at least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 38:

The apparatus of claim 33, wherein one of the plurality of smart devices is a computing device running a CE operating system, a computing device running a Pocket PC operating system, a computing device running a Palm operating system, a computing device running a Windows operating system, or a computing device running embedded programming systems and capable of communicating using standard protocols (Figure10-11 &14, Col. 11-12, lines 60-67 &1-4 respectively; reads off the limitation that there is a computing device and that it is running off of an embedded programming system and is capable of communicating using standard protocols. Inherently since it is capable of receiving and sending information through the internet it would have to compatible with, if not already, a windows operating system).

Claim 39:

The apparatus of claim 33, wherein the at least one controlled device is a lighting fixture, home appliance, fan, shade, garage door opener, controller for a heating system, controller for a cooling system, television, digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 40:

A computer-readable medium containing instructions, executed by a processor for performing the method of routing command data through a system including a plurality of smart devices and at least one controlled device (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device), the method including: receiving a command to remotely control a controlled device (Col. 1, lines 50-54; reads on the limitation of remote controlling a controlled device); determining whether the command should be directly utilized by the controlled device; controlling the controlled device when it is determined the command should be directly utilized by the controlled device (Col. 2, lines 14-16); and transmitting the command when it is determined the command should not be directly utilized (Figure 11 & Col. 11 &12, lines 60-67 &1-4 respectively; reads on the limitation of

command generation and the transmission thereof by relaying the

command to the appropriate application of the automation applications).

Claim 41:

The computer-readable medium of claim 40, wherein the method

further includes: receiving the command using a first protocol; and

transmitting the command using a second protocol where the second

protocol is different from the first (Figures 1-3 & Col. 2, lines 44-53; show

that the invention as disclosed can be accessed and utilized through a

plurality of protocols, namely internet, power line and phone lines; it also

enumerates the potential for the possibilities of multi-path reception and

transmission).

Claim 42:

The computer-readable medium of claim 41, wherein the protocols

are not interdependent (Figures 1-3; depict these protocols as being not

interdependent).

Claim 43:

The computer-readable medium of claim 40, wherein the command

is received or transmitted using at least one of wired IP, wireless IP,

Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3

& Col. 1, lines 50-51; show that the invention as disclosed can send and

receive through internet connection, power line and phone line

connections).

Claim 44:

The computer-readable medium of claim 40, wherein the command
data includes at least one of Consumer IR, X10, HTTP, and S-Link data
(Col. 1, lines 50-54).

Claim 45:

The computer-readable medium of claim 40, wherein one of the
plurality of smart devices is a computing device running a CE operating
system, a computing device running a Pocket PC operating system, a
computing device running a Palm operating system, a computing device
running a Windows operating system, or a computing device running
embedded programming systems and capable of communicating using
standard protocols (Figure10-11 &14, Col. 11-12, lines 60-67 &1-4
respectively; reads off the limitation that there is a computing device and
that it is running off of an embedded programming system and is capable f
communicating using standard protocols. Inherently since it is capable of
receiving and sending information through the internet it would have to
compatible with, if not already, a windows operating system).

Claim 46:

The computer-readable medium of claim 40, wherein the at least
one controlled device is a lighting fixture, home appliance, fan, shade,
garage door opener, controller for a heating system, controller for a
cooling system, television, digital video disk player, compact disk player,
stereo receiver, alarm system, security system, lock system, or sprinkler
system (Figures 1-2 & Col. 2, lines 5-8).

Claim 47:

A method for automatically operating controlled devices in a
system (Col. 2, lines 5-8), the method including: providing for a portable
device and at least one stationary device (Figures 1& 3, reads on the
limitation of a portable device, via mobile phone, and a stationary device,
via the home appliances); determining the portable device is within
predetermined proximity of the at least one stationary device; controlling
the at least one stationary device based upon the determination (Figure 11,
& Col. 11 &12, lines 60-67 &1-4 respectively; reads on the limitation of
predetermined proximity, because it is inherent that the mobile phone will
have a limited reception, and command generation and the transmission
thereof by relaying the command to the appropriate application of the.
automation applications).

Claim 48:

[A] system for automatically operating controlled devices in a
system (Col. 2, lines 5-8), the apparatus including: a portable device and
at least one stationary device; wherein the portable device includes a
determining module for determining the portable device is within
predetermined proximity of the at least one stationary device (Figures 1&
3, reads on the limitation of a portable device, via mobile phone, and a
stationary device, via the home appliances. It is also inherent that the
mobile phone will have a reception limited to a predetermined proximity);
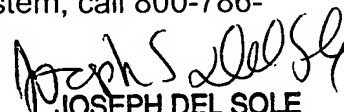
and a controller for controlling the at least one stationary device based

upon the determination (Col. 2, lines 15-17).

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Maceeh Anwari whose telephone number is

571-272-7591. The examiner can normally be reached on Monday-Friday 7:30-

5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Joe Del Sole can be reached on 571-272-1130. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

JOSEPH DEL SOLE
SUPERVISORY PATENT EXAMINER

2/16/07

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